

REMARKS

Claims 1-12 are pending in the application. It is submitted that this Argument is fully responsive to the Office Action dated November 10, 2008.

Claim Rejections - 35 U.S.C. §103

Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takenaka et al. (USP 5,357,433) in view of De Beaucourt et al. (USP 5,421,426) further in view of Nishikawa et al. (USP 5,255,753).

This rejection is traversed. With regard to independent claims 1, 5 and 9 regarding the disclosure of Takenaka, the Examiner clearly acknowledges the drawbacks and deficiencies of Takenaka, that is, Takenaka does not disclose “*wherein the foot portion includes an upper sole and a lower sole, and the force sensor is provided between the upper sole and the lower sole, and wherein the lower sole is provided with a side wall rising upward at a part next to the outer edge of the foot portion.*”

In an attempt to cure the above-noted drawbacks and deficiencies of Takenaka, the Examiner relies on the teachings of De Beaucourt and Nishikawa and alleges that De Beaucourt shows an upper sole and a lower sole; the lower sole is provided with side wall rising upward at a part next to the outer edge of the foot portion as well as Nishikawa shows the force sensor is provided between the upper sole and the lower sole (for example, page 4 of the Action).

As to Nishikawa

While the Examiner alleges that “Nishikawa shows the force sensor is provided between the upper sole and the lower sole (Col 6, lines 50-65; See Fig. 2, Upper Surface 62, Lower sole 54, Sensor 50),” Nishikawa, in fact, describes “The foot 10 has a boat-shaped frame 52 positioned below the sensor 50,...The frame 52 has a lower surface serving as a foot sole 54...The frame 52 also has an upper surface serving as a foot instep 62” (Col. 6, lines 59-65, emphasis added).

As clearly shown in the above, the frame 52 of the foot 10 is provided under the sensor 50, which does not support the Examiner’s allegation that the sensor 50 is structurally provided between the upper surface 62 and the lower sole 54 of the frame 52. Moreover, as described in Nishikawa, the alleged upper surface 62 serves as a foot instep, which is different from the upper sole of the present claim.

Accordingly, it is submitted that even if, assuming *arguendo*, that Takenaka may be combined with De Beaucourt and Nishikawa in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*the force sensor is provided between the upper sole and the lower sole*,” as called for in claim 1 and similarly in claims 5 and 9

As to De Beaucourt

While the Examiner alleges that “De Beaucourt shows an upper sole and a lower sole (Col. 2, lines 3-33, lower part 11, upper part 13; see Fig. 1),” De Beaucourt, in fact, describes:

Vertical guidance columns or posts 12 rise from the top surface of said lower part 11 and pass through openings made in an upper part 13 of the fitting 6, which carries the swivel joint 2 and enable the upper part 13 to slide vertically with respect to the other part (col. 2, lines 23-27).

As clearly shown in the above, it is the premise that the upper part 13 moves vertically to the lower part 11, and further the upper part 13 and the lower part 11 rotate by the swivel joint 2. Accordingly, De Beaucourt has no motivation to provide a 3-axis sensor between the upper part 13 and the lower part 11. Moreover, since a swivel joint 2 is provided independently from the upper part 13 and the lower part 11, De Beaucourt teaches away from utilizing the lower part 11 pivotally movable in the 3-axis direction with respect to the upper part 13.

In view of the above, since Nishikawa does not disclose the sensor provided between the upper sole and the lower sole, and De Beaucourt has no motivation to provide a 3-axis sensor between the upper sole and the lower sole, it would not be obvious to apply the sensor of Nishikawa to the robot foot structure of De Beaucourt.

Accordingly claims 1, 5 and 9 distinguish over Takenaka, De Beaucourt and Nishikawa.

Application No.: 10/517,377
Art Unit: 3664

Request for Reconsideration under 37 CFR §1.111
Attorney Docket No.: 043082

Claims 2-4, 6-8 and 10-12 are dependent from claim 1, 5 or 9 and recite the additional features set forth therein. Accordingly claims 2-4, 6-8 and 10-12 also distinguish over Takenaka, De Beaucourt and Nishikawa for at least the reasons set forth above.

In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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